

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER ALLEN,

Plaintiff,

-against-

CARL KOENIGSMANN, et al.,

Defendants.

No. 19-CV-8173 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court is in receipt of the letter filed by Plaintiff's counsel on December 12, 2024, (see dkt. no. 872), requesting the Court remove the letter filed by counsel for Defendant Dr. Carol Moores on December 11, 2024 from the docket, (see dkt. no. 871). The Court is also in receipt of counsel for Dr. Moores' letter in opposition, dated December 12, 2024, requesting the Court remove Plaintiff's counsel's December 12, 2024 letter from the docket and direct Plaintiff to identify an alleged violation of the operative Permanent Injunction. (See dkt. no. 873.)

Both counsel for Plaintiff and counsel for Dr. Moores' requests are DENIED. The Court reminds counsel for Dr. Moores that the terms of the Permanent Injunction include requiring Dr. Moores to order all DOCCS Facility Health Services Directors ("FHSD"), primary care providers ("PCPs"), and relevant medical staff to discontinue pain management medication "only . . . after a provider has met with the patient, discussed the issues regarding

the use of the medication, analyzed the patient's situation, and subsequently determined that it is in the best interest of the patient for the medication to be discontinued. The discussion with the patient and the reasons for the discontinuation of the pain medication shall be recorded in the patient's [Ambulatory Health Record]." (See dkt. no. 813 at 11.) The discontinuing of a medicine prescribed to treat chronic pain, at least in part, plainly falls within the terms of the Permanent Injunction.

As outlined by counsel for Dr. Moores in her letters and as communicated to the Court on the telephone conference held on December 11, 2024, Mr. Allen will be moved to a Regional Medical Unit ("RMU") when he is ready for discharge from the hospital. (See dkt. nos. 871 at 4, 873 at 4.)

Counsel for Dr. Moores is reminded of the Court's Individual Practice 1(A) requiring letters to be in 14-point type, both text and footnotes.

The Clerk of the Court is respectfully directed to close docket number 872, and also to docket this Order in 23-cv-5651 and close docket number 110 in that action.

SO ORDERED.

Dated: December 16, 2024
New York, New York



LORETTA A. PRESKA
Senior United States District Judge